IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 20.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.263 of 2006

Dhandapani ... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Home Department,
Fort St. George, Chennai - 9.

2.The District Magistrate and
District Collector,
Vellore, Vellore District. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records relating to the detention order passed by the second respondent in No.C3.D.O.59/2005 dated 30.12.2005, quash the same and produce the body of the detenu Dhandapani, Son of Vadivelu, 4th Cross Street, Sastri Nagar, Vellore, Vellore district detained in the Central Prison Vellore before this Court and set him at liberty.

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For Petitioner : Ms.D.Malarvizhi for
Mr.R.Margabandhu

For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner by name Dhandapani, who was detained as a "Goonda" as contemplated under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 30.12.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. At the foremost the learned counsel for the petitioner submitted that in view of the fact that in the First Information Report relating to the adverse case said to have taken place on 25.10.2005, there is no reference to the name of the detenu and it merely refers "unknown person" whereas in the FIR relating to the ground case said to have taken place on 26.10.2005, the name of the detenu is shown as second accused and in the absence of clarification by the authority concerned, the detention order is liable to be quashed. On verification of all the materials, we are unable to accept the said contention. As rightly pointed out by the learned Additional Public Prosecutor though the FIR relating to the adverse case merely refers "unknown person", in the confession statement the detenu has admitted the occurrence relating to the adverse case. The said confession statement is available at page 67 of the paper book supplied to the detenu. It is also brought to our notice that the remand report also contains the name of the detenu as an accused in the adverse case. In such circumstances, we find no substance in the first contention raised by the learned counsel for the petitioner.

4. The learned counsel appearing for the petitioner then submitted that seizure was effected in four places within two hours, which is highly impossible. Hence, all the cases have been foisted against the detenu. Hereagain, it is not the case of the petitioner that the police parties were not having vehicle or other modern equipments. On the other hand, within the time of two hours, it would be possible to seize those articles from four places. Accordingly, we reject the second contention also.

5. Finally, the learned counsel for the petitioner has contended that the intimation relating to passing of the detention order was sent in a cyclostyled form. We verified the same. The said intimation contains all the required details. In such circumstances, we are unable to accept the said contention also.

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5. In the light of what is stated above, we do not find any ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government of Tamil Nadu,
Home Department, Fort St. George,
Chennai-600 009.

2.The District Magistrate and District Collector,
Vellore, Vellore District.

3.The Superintendent,
Central Prison,
Vellore.
(In duplicate for communication to the petitioner)

4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor,
High Court, Madras.

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1 cc To Mr.R.Margabandu, Advocate, SR.25742.

HCP. No.263 of 2006

SGL(CO)
RVL 27.06.2006

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